MY FIRST BIKE PRODUCTIONS, INC. v. MYSPACE, INC. et al Doc. 10 Att. 3

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

MY FIRST BIKE PRODUCTIONS, INC., Plaintiff, v. MYSPACE, INC., a Delaware Corporation, d/b/a Myspace.com, DIRECTV, INC., a California corporation, FOX INTERACTIVE MEDIA, INC., a Delaware corporation, Defendants.	CASE NO. 1:07-CV-0459-RLY-TAB

AFFIDAVIT OF PATRICIA L. ISHIMOTO
IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS

I, Patricia L. Ishimoto, affirm as follows:

1. I am General Manager of Original Entertainment of defendant DIRECTV, Inc. ("DIRECTV"). I have personal knowledge of the facts set forth in this Affidavit, and, if called as a witness, I could and would competently testify thereto.

2. DIRECTV is the leading provider of direct broadcast satellite ("DBS") service in the United States. Through its DBS service, DIRECTV provides television programming to more than 16 million subscribers nationwide.

EXHIBIT
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3. DIRECTV is incorporated in California and headquartered in El Segundo, California. DIRECTV has no offices in Indiana. Though DIRECTV has approximately 9,000 employees, only three of them – area sales managers– are Indiana residents. DIRECTV has no bank accounts in Indiana.

4. In late 2006, DIRECTV developed its own television program called "Project MyWorld," which followed three women traveling around the world to meet their MySpace.com "friends" in real life. A more detailed description of "Project MyWorld" is available on DIRECTV's website at www.directv.com/DTVAPP/global/contentPage.jsp?assetId=P3960014. Neither DIRECTV's satellite television in general, nor "Project MyWorld" are directly aimed at Indiana, concern Indiana, or have Indiana as their "focal point." On the contrary, the focal point of Project MyWorld is the women who star in it and their MySpace friends.

5. DIRECTV has no corporate affiliation to defendants MySpace, Inc. ("MySpace") or Fox Interactive Media, Inc. ("FIM") other than the fact that News Corporation (the parent of FIM and ultimate parent of MySpace) is a minority

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shareholder of DIRECTV. DIRECTV has its own board of directors and executive management team.

I affirm under penalty of perjury under the laws of the United States and the State of Indiana that the foregoing is true and correct. Executed this 19th day of April, 2007 at Los Angeles, California.

Patricia L. Ishimoto

State of California)
) ss.
County of Los Angeles)

Subscribed and sworn to before me, Rose G. Foley, Notary Public on this 19th day of April, 2007 by Patricia L. Ishimoto, personally known to me to be the person who appeared before me.

ROSE G. FOLEY
Commission # 1594267
Notary Public - California
Los Angeles County
My Comm. Expires Jul 10, 2009

Signature of Notary